

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KARAM PRASAD, LLC d/b/a/ BISHOP
OF SEVENTH,

Plaintiff,

- *against* -

CACHE, INC.,

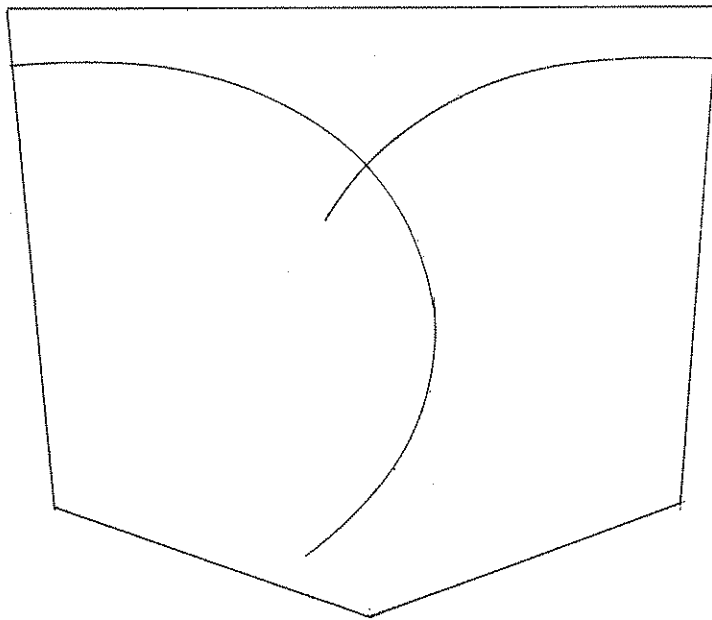
Defendant.

Case No. 07 CV 5785 (PAC) (JCF)

**DECLARATION OF CHACHI
PRASAD IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

I, Chachi Prasad, hereby declare as follows:

1. I am a co-owner and founding member of Karam Prasad, LLC, the Plaintiff in this action, and submit this Declaration in support of a preliminary injunction.
2. Karam Prasad, LLC was founded in December 2003 by myself and Karam Kim. Both of us are designers who have had previous experience with Calvin Klein, Oscar De la Renta and other well-known fashion houses. Our designer clothing includes premium jeans sold through fashionable department stores and high-end boutiques such as Nordstrom and Wynn Las Vegas. Our jeans are sold at retail at a price range of \$200 to \$340.
3. After carefully researching brands and logos in the denim market, we created an original design, shown below within the outline of a back pocket, as a trademark to identify and distinguish our line of designer jeans:



4. The design shown above was unveiled at the Coterie fashion show in New York City in September 2004 at which time sales were made of jeans identified by this trademark. This mark is considered our signature and has been used to identify most of the models in our lines of jeans.

5. We worked with Swarovski company, which is known for crystal jewelry and décor objects, to develop small jewel-like settings in the form of crystals to be inlaid in our jeans. These crystals are inlaid in the welting of a besom pocket, above the openings in each of the back pockets of the jeans, and in the inside seams of both legs. I am not aware of any other designer jeans using a besom pocket with inlaid crystals.

6. The foregoing design, called the crystal jean, was unveiled in April 2005 and sold at that time for the Fall season. Our crystal jeans are sold at retail at a price range of \$310 to \$340. All of our premium jeans, including the crystal jean and those with our signature mark on the pockets, are marketed to females.


7. I and Karam Kim first heard, through an acquaintance, on May 12, 2007 of a product by Cache, Inc. that was later identified as the Besom Pocket Stretch Jean. Thereafter, I obtained product samples and consulted with counsel.

8. Overall, our jeans are made in the United States with high quality fabrics and workmanship. Based upon my preliminary examination of the Besom Pocket Stretch Jean, the product is made in Hong Kong with lesser quality fabrics and workmanship, although the quality is consistent with a mass-produced article at its selling price of \$88.

I hereby declare under the penalty of perjury that the foregoing is true and correct.

Date: _____

7/17/07


Chachi Prasad